

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARCUS DEWAYNE DAVIS

VS.

CIVIL ACTION NO. 1:13cv474-KS-MTP

LAWRENCE KELLY, ET AL

ORDER DISMISSING CASE

BE IT REMEMBERED that on February 12, 2013, this Court entered a final judgment [132], after a jury trial in this prisoner civil rights case, dismissing same with prejudice; and

THAT the Plaintiff filed a Notice of Appeal [133] and same was dismissed by the Fifth Circuit Court of Appeals for failure to timely pay the filing fee; and

THAT Plaintiff filed an Affidavit [140]; and

THAT the undersigned entered an Order Reinstating Case [142]; and

THAT on December 3, 2014, the Plaintiff filed a new Notice of Appeal; and

THAT the Fifth Circuit Court of Appeals has determined that the Notice of Appeal does not identify a judgment or order that the Defendant wants the Appeals Court to review; and

THAT the Fifth Circuit Court of Appeals determined that it did not have jurisdiction over the appeal and that it should be dismissed.

NOW, THEREFORE, IT HEREBY ORDERED that the above styled and numbered cause be and the same is hereby dismissed and this case in finally closed.

SO ORDERED on this the 8th day of April, 2015.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE